

**Filed 11/17/09 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2009 ND 190

State v. North Dakota,

Plaintiff and Appellee

v.

Matthew C. Kurtenbach,

Defendant and Appellant

No. 20090113

Appeal from the District Court of Cass County, East Central Judicial District,
the Honorable Georgia Dawson, Judge.

AFFIRMED.

Per Curiam.

Reid Alan Brady (on brief), Assistant State's Attorney, and Cherie LaVonne Clark (on brief), Assistant State's Attorney, P.O. Box 2806, Fargo, N.D. 58108-2806, for plaintiff and appellee.

Mark Taylor Blumer (on brief), P.O. Box 475, Valley City, N.D. 58072, for defendant and appellant.

State v. Kurtenbach

No. 20090113

Per Curiam.

[¶1] Matthew Kurtenbach appealed from a district court judgment entered upon guilty pleas to one count of forgery and two counts of unauthorized use of personal identifying information.

[¶2] Kurtenbach contends the judgment of conviction violates double jeopardy. An unconditional guilty plea waives all nonjurisdictional defects alleged to have occurred prior to the guilty plea, including a double jeopardy claim. See Heyen v. State, 2001 ND 126, ¶ 12, 630 N.W.2d 56; United States v. Broce, 488 U.S. 563, 569-74 (1989). We affirm the judgment under N.D.R.App.P. 35.1(a)(7).

[¶3] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Dale V. Sandstrom
Daniel J. Crothers
Mary Muehlen Maring